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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/657,110	09/09/2003	Hans David Hoeg		9223	
7590 09/30/2005			EXAM	EXAMINER	
Hans D. Hoeg for EndActive, Inc.			SMITH, PHILIP ROBERT		
Suite 102 19 La Porte Stre	eet		ART UNIT	PAPER NUMBER	
Arcadia, CA 91006			3739		
		•			

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

•		•				
	Application No.	Applicant(s)				
	10/657,110	HOEG ET AL.				
Office Action Summary	Examiner	Art Unit :				
	Philip R. Smith	3739				
 The MAILING DATE of this communication app Period for Reply 	ears on the cover sheet with the c	correspondence ac	Idress			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was reply to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered time the mailing date of this of	y. ommunication.			
Status		:				
1)⊠ Responsive to communication(s) filed on 09 Se	eptember 2003.	; :	•			
·	action is non-final.	:	•			
3) Since this application is in condition for allowar	nce except for formal matters, pro	osecution as to the	e merits is			
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Dianosition of Claims	•					
Disposition of Claims						
4) Claim(s) <u>1-8</u> is/are pending in the application.	on Control of the other	·	•			
4a) Of the above claim(s) is/are withdray	wn from consideration.	:				
5) Claim(s) is/are allowed.	•	· · ·				
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to. 8) Claim(s) <u>1-8</u> are subject to restriction and/or el	action requirement	*				
o) Claim(s) 1-0 are subject to restriction and/or en	ection requirement.	: :				
Application Papers						
9) ☐ The specification is objected to by the Examine	r.	: :	•			
10) The drawing(s) filed on is/are: a) acce	epted or b) ☐ objected to by the	Examiner.				
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a),				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form P	TO-152.			
Priority under 35 U.S.C. § 119		:	•			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)-(d) or (f).	. •			
1. Certified copies of the priority documents	s have been received.					
2. Certified copies of the priority documents		ion No.	•			
3. Copies of the certified copies of the prior	•		l Stage .			
application from the International Bureau		;				
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
	·					
•		.yo.i.				
Attachment(s)		:				
1). Notice of References Cited (PTO-892)	4) Interview Summary					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	rate Patent Application (PT	O-152)			
S. Patent and Trademark Office						

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DETAILED ACTION

Restrictions

- [01] Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5 & 8, drawn to a method for establishing the position of an endoscope relative to a subsurface structure in a volumetric scan data set, classified in class 600, subclass 117.
 - II. Claims 6-7, drawn to a method for calculating and displaying a set of possible endoscope tip positions from which there is a direct line of sight to a target point, classified in class 600, subclass 417.
- [02] Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as pre-surgical planning. See MPEP § 806.05(d).
- [03] Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Conclusion

[04] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R. Smith whose telephone number is (571) 272 6087 and whose email address is philip smith@uspto.gov. The examiner can normally be reached between 9:00am and 5:00pm.

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[05] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764.

[06] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[07] prs

John P. Leubecker Primary Examiner Page 3